

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DECARLOS WRIGHT, #56611-056,

Petitioner,

v.

ACTION NO. 2:19cv530

WARDEN J. ANDREWS,
FCC Petersburg,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Decarlos Wright (“Wright”), a federal prisoner convicted and sentenced in the Western District of North Carolina, and housed in the Federal Correctional Center in Petersburg, Virginia, asserts his due process rights were violated when he was not provided with a copy of the report prepared by the discipline hearing officer sanctioning him to a loss of good conduct time. *Id.* at 1–2. Wright also filed a motion to stay his federal petition pending the exhaustion of his administrative remedies. ECF No. 10.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge’s Report and Recommendation filed August 7, 2020, recommends dismissal of the petition with prejudice and denial of the motion to stay. The Court has received no objections to the Report and Recommendation and the time for filing objections has expired.

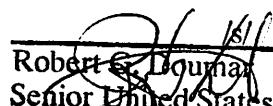
The Court does hereby accept the findings and recommendations set forth in the Report

and Recommendation, and it is therefore **ORDERED** that Respondent's Motion to Dismiss, ECF No. 5, be **GRANTED**, the petition, ECF No. 1, be **DENIED** and **DISMISSED** with prejudice, and the Motion to Stay, ECF No. 10, be **DENIED**. It is further **ORDERED** that judgment be entered in favor of Respondent.

Wright has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 327, 335–36 (2003).

Wright is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Wright intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Wright may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall forward a copy of this final order to Wright and counsel of record for respondent.



Robert G. Doumar
Senior United States District Judge

Robert G. Doumar
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
September , 2020